

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

FILED
APR 09 2008

JOHN F. CORCORAN, CLERK

BY: *[Signature]*
DEPUTY CLERK

United States of America

v.
Tyrone L. Carter

)
)
) Case No: 4:94CR00064-001
) USM No: 04523-084
) Allegra Black, Office of the Federal Public Defender
) Defendant's Attorney

Date of Previous Judgment: August 16, 1995
(Use Date of Last Amended Judgment if Applicable)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is reduced to 120 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>121</u> to <u>151</u> months	Amended Guideline Range: <u>120*</u> to <u>121</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

*The low end of the amended guideline range is controlled by the statutory mandatory minimum of 120 months, pursuant to 21 U.S.C. § 841(b)(1)(A). Neither the 2007 amendments to the crack cocaine sentencing guidelines nor § 3582(c)(2) authorize a reduction below the statutory mandatory minimum, and the court finds the maximum reduction authorized under these provisions to be one month, as reflected in this order.

III. ADDITIONAL COMMENTS

The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled.

Except as provided above, all provisions of the judgment dated 08/16/1995 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 8, 2008

[Signature]
Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title